

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

BNSF RAILWAY COMPANY, on  
behalf of THE UNITED STATES OF  
AMERICA,

Plaintiff/Judgment Creditor,

vs.

THE CENTER FOR ASBESTOS  
RELATED DISEASE,

Defendant/Judgment Debtor,

CHARLES B. BLACK, M.D.; KAREN  
LEE MORRISSETTE, M.D.; TRACY  
MCNEW, L.P.N.; MICHELLE  
BOLTZ, A.R.P.N.; and MILES  
MILLER, P.A.,

Defendant-Intervenors.

CV 25–67–M–DLC

ORDER

Having reviewed the parties’ joint status report and proposed schedule (Doc. 31) IT IS ORDERED that the proposed schedule and agreement is adopted as follows:

- (1) On or before September 15, 2025, the United States will provide its determination of federal property interests to the Center for Asbestos Related Disease (“CARD”). CARD consents to the United States sharing the determination with BNSF and the Intervenors Charles B. Black, M.D.;

Karen Lee Morrisette, M.D.; Tracy McNew, L.P.N.; Michelle Boltz, A.P.R.N.; and Miles Miller, P.A.

- (2) On or after September 15, 2025, BNSF may serve CARD with written discovery regarding its assets and financial information to trace grant funds to the assets in the Writ of Execution's Addendum. This includes Interrogatories, requests for production, and requests for admission. CARD will respond to the discovery requests no later than October 30, 2025.
- (3) BNSF may serve Notices of Deposition of CARD witnesses, or any other fact witness identified in discovery at any time after October 30, 2025, including Rule 30(b)(6) witnesses, but all depositions will be taken in December 2025.
- (4) On or before January 5, 2025, the parties shall submit a joint status report advising the Court of any resolution(s) between the parties and any unresolved issues. Should any unresolved issues remain, the parties may file simultaneous brief regarding proper resolution on January 19, 2026. Reply briefs will be due February 2, 2026. Any hearing set by the Court on the briefs will be scheduled after reply briefs are filed.
- (5) In addition to the above schedule, the parties agree that all discovery and depositions can be conducted in the normal and usual course of discovery and not before the Court or referee, to the extent such may be required by

Mont. Code Ann. § 25-14-101. The parties agree that the above deadlines may be modified if agreed upon in writing by all parties.

IT IS FURTHER ORDERED that CARD's request to reserve the opportunity to request relief from the Court to determine the federal interest in any item of personal property and request a release of that personal property notwithstanding the schedule set out herein is DENIED.

DATED this 15th day of July, 2025.



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Dana L. Christensen, District Judge  
United States District Court